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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,782	01/23/2004	Stephen John Lawson		6130

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EXAMINER

MAGUIRE, LINDSAY M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,782	<b>Applicant(s)</b> LAWSON ET AL.	
	<b>Examiner</b> Lindsay M. Maguire	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to the application filed on January 23, 2004, the election filed on December 16, 2005 by which claims 1 and 2 were cancelled and claim 3 was added, and the election filed on February 2, 2006.

#### ***Election/Restrictions***

Applicant's election without traverse of claim 3 in the reply filed on February 2, 2006 is acknowledged.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. Note the format of the claims in the

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patent(s) cited. The following are examples. Applicant should review the claim in its entirety.

Claim 3 recites the limitation "the diameter" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "closely to one extremity of said flat base" (lines 12-13) it is unclear what the applicant regards as "closely" which is a relative term and therefore one of ordinary skill in the art would be unable to ascertain the requisite degree of the claimed invention.

Claim 3 recites the limitation "said perforation" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said distance" in line 14. There is insufficient antecedent basis for this limitation in the claim.

The recitation, "both the diameter of each of said pin and a distance between said two pins are so commensurate with both said diameter of each said perforation and said distance between two consecutive perforations that a light-press fit between the former and the later when engaged together occurs" in lines 13-15 of claim 3, and the recitation, "the internal diameter of said socket being commensurate with the external diameter of said tubular element" in lines 19-20 of claim 3, render the claims indefinite. In particular, neither the "perforations" or the "tubular element" are an element of the

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claimed device and it is improper to seek to define claimed structure based on a comparison to some unclaimed element. In this case, the boundaries of the claims cannot be properly ascertained because one would not know whether their device infringed the claims until someone else later added "perforations" or a "tubular element". In other words, a device as defined in the claims would infringe the claims with one particular set of "perforations" and "tubular element" while the exact same device would not infringe the claims when another set of "perforations" and "tubular element" was used. Accordingly, the features of the device, itself, must be defined instead of relying upon a comparison with an ascertained element.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "disposed closely to another extremity of said flat base" (line 17) it is unclear what the applicant regards as "closely" which is a relative term and therefore one of ordinary skill in the art would be unable to ascertain the requisite degree of the claimed invention.

Claim 3 recites the limitation "the external diameter" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said tubular element" in line 20. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

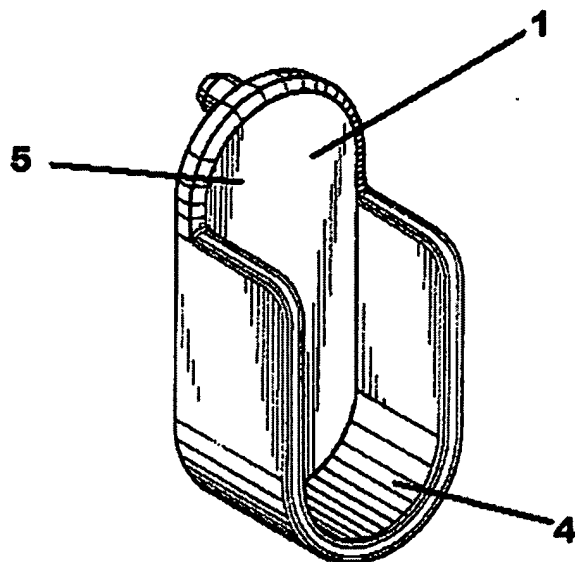
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

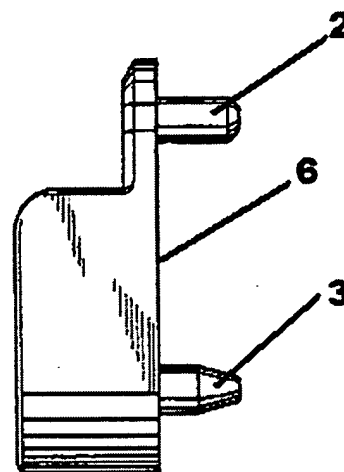
Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. Des. 319,573 (Rogers '573).

Rogers '573 shows a bracket incorporating a flat base (1; see marked-up copy of Figures 1 and 3 below) having rear (6) and front (5) faces and two pins (2 and 3) projecting from said rear face (6); and a socket (4; it is noted that the definition of a socket, according to Webster's II Dictionary Third Edition, is "an opening into which something fits) on said front face (5) of said flat base (1).

It is noted that since the "inclined support-display assembly" (and all its components) are being functionally recited in lines 1-10 of claim 3, a reference need only be capable of being used with such structure in order to meet the claim language. Thus, although Rogers '573 does not show such structure, it is capable of being used in such a way, and thus is considered to meet the claim language.



*Fig. 1*



*Fig. 3*

### ***Conclusion***

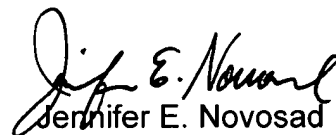
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 4,405,108 (Muirhead '108) and U.S. Pat. No. 5,894,610 (Winter '610), for disclosing various brackets with socket and pin designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

Lindsay M. Maguire  
March 13, 2006